

Handwritten signature

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
SEP 16 2013
9-16-13
THOMAS G. BRUTON
CLERK U.S. DISTRICT COURT

LOCAL 705 INTERNATIONAL)
BROTHERHOOD OF TEAMSTERS)
HEALTH AND WELFARE FUND, *et al.*,)

Plaintiffs,)

vs.)

JOYCE BROS. STORAGE & VAN CO.,)
an Illinois corporation,)

Defendant,)

and)

BANK FINANCIAL FSB,)

Citation Respondent.)

CIVIL ACTION

NO. 12 C 8841

JUDGE HARRY D. LEINENWEBER

THIRD PARTY RESPONDENT ANSWER TO CITATION PROCEEDINGS

BankFinancial FSB (Citation Respondent), certifies under penalty of perjury that with regard to the property of the Judgment Debtor, the Citation Respondent files the following answer to this Citation to Discover Assets and is in possession of the following property of the judgment debtor.

Circle the corresponding letter to any of the following that apply, and indicate the amount held:

- A. Savings Account (amount withheld) \$ NA
- B. Checking and/or Now Account (amount withheld) \$ 00.00 current court order
Case 11CV5146
- C. Certificate of Deposit (amount withheld) \$ NA
- D. Money Market Account (amount withheld) \$ NA
- E. Trust Account (amount withheld) \$ NA

F. Safety Deposit Boxes \$ NA
G. Other Amounts Due \$ NA
H. Adverse Claimants: Name NA
Address
I. Wages, Salary or Commissions NA
J. Other Personal Property (describe) NA

Attach a sheet for any additional information required by the Citation.

Subtotal \$00.00

Less right of offset for other loans None
Less deduction for fees limited by law None

Total \$00.00

According to the business records kept by the Citation Respondent we show the above accounts to be correct.

Dorothy M. Cardy

Agent for Citation Respondent

September 12, 2013

Date

Third Party Respondent/Agent

Agent Name: Dorothy M. Cardy
Agent Title: Legal Processing Specialist
Respondent Name: BankFinancial FSB
Address: 1401 N Larkin Avenue
Joliet IL 60435
Phone: 708-675-6358
Fax: 708-675-6784

A copy of this Answer should be filed with the Court Clerk for the United States District Court for the Northern District of Illinois, Eastern Division, and a copy sent to the Attorney for Plaintiffs, and to the Judgment Debtor.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LOCAL 705 INTERNATIONAL)
BROTHERHOOD OF TEAMSTERS)
HEALTH AND WELFARE FUND, *et al.*,)

Plaintiffs,)

vs.)

JOYCE BROS. STORAGE & VAN CO.,)
an Illinois corporation,)

Defendant,)

and)

BANK FINANCIAL FSB,)

Citation Respondent.)

CIVIL ACTION

NO. 12 C 8841

JUDGE HARRY D. LEINENWEBER

CERTIFICATE OF MAILING CITATION

I hereby certify that, within three (3) business days of service of the citation and citation notice upon a person or party other than the judgment debtor, I served upon the judgment debtor either a copy of the underlying judgment or a certification by the clerk of the court that entered the judgment or the attorney for judgment creditor setting forth the amount of the judgment, the name of that court, and the number of the case, a copy of the citation served upon the third person or party, and a copy of the citation notice.

Date: _____

Signature: _____

Name: _____

Title: _____

COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

AUG 26 2013

THOMAS G BRUTON
CLERK, U S DISTRICT COURT

LOCAL 705 INTERNATIONAL)
BROTHERHOOD OF TEAMSTERS)
HEALTH AND WELFARE FUND, *et al.*,)

Plaintiffs,)

vs.)

JOYCE BROS. STORAGE & VAN CO.,)
an Illinois corporation,)

Defendant,)

and)

BANK FINANCIAL FSB,)

Citation Respondent.)

CIVIL ACTION

NO. 12 C 8841

JUDGE HARRY D. LEINENWEBER

Date of Service 9/5/13
Time of Service 10:40
Method of Service IN PERSON
Accepted by Masevia Gaudin
Branch # 20

CITATION TO DISCOVER ASSETS TO THIRD PARTY

TO: Bank Financial FSB
6301 Fairview Avenue
Westmont, IL 60559

YOU ARE REQUIRED to appear and/or file your answer to this Citation, using the form attached entitled "Third Party Respondent Answer to Citation Proceedings," at the offices of Plaintiffs' counsel, Baum Sigman Auerbach & Neuman, Ltd., at 200 West Adams Street, Suite 2200, Chicago, Illinois, on or by **Monday**, the **23rd** day of **September 2013** at the hour of **10:00 a.m.**, and thereafter until the above-entitled cause shall be concluded; and then and there to answer under oath such questions as may be put to you concerning indebtedness due the above-named Defendant, and to abide by the further order of the Court. NOTE: your written answer

under oath, along with production of documents requested in the attached Rider, is sufficient for your appearance unless you receive a further order to personally appear.

Judgment was entered in favor of the Plaintiffs on the 1st day of May 2013 in the aggregate sum of \$250,213.18, plus post-judgment interest of \$109.34 (calculated through 9/23/13), and costs. The total amount of \$250,322.52 remains unsatisfied.

YOU ARE PROHIBITED, as of the date upon which this Citation was served upon you, from making or allowing any transfer or other disposition of, or interference with, any property not exempt from execution or garnishment belonging to the judgment debtor or to which it may be entitled or which may be acquired by or become due to it and from paying over or otherwise disposing of any money not so exempt, which is due or becomes due to it, until the further order of Court or termination of the proceedings. You may be held personally accountable should you violate this injunction. You are not required to withhold the payment of any money beyond double the amount of the judgment.

CERTIFICATE OF ATTORNEY OR JUDGMENT CREDITOR

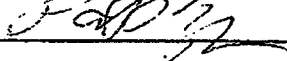
Judgment Amount: \$250,213.18 plus post-judgment interest, Balance Due: \$250,322.52

Date of Judgment/Revival: May 1, 2013

Name of Court Entering Judgment: US District Court, Northern District of Illinois, Eastern Div.

Case No. 12 C 8841

The undersigned certifies under penalties as provided by law to the Court that the above information is true.

Signature: 

Name: Patrick N. Ryan, Attorney for Plaintiffs/Judgment Creditors
Address: 200 W. Adams Street, Suite 2200, Chicago, IL 60606-5231
Telephone: (312) 236-4316
Facsimile: (312) 236-0241

YOUR FAILURE TO APPEAR IN COURT AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE FEDERAL JAIL. IN ADDITION, YOUR FAILURE TO COMPLY WITH THE CITATION PROCEEDING MAY RESULT IN A JUDGMENT BEING ENTERED AGAINST YOU FOR THE UNSATISFIED AMOUNT OF THE JUDGMENT AGAINST THE JUDGMENT DEBTOR.

THOMAS G BRUTON

CLERK OF COURT

DAVID JOZWIAK **JOZWIAK**

DEPUTY CLERK

DATE: **AUG 26 2013**

(SEAL OF COURT)

RIDER TO CITATION TO DISCOVER ASSETS TO THIRD PARTY

Upon receipt of this Citation to Discover Assets, please do the following:

1. Freeze all assets in your control belonging to the Defendant, as required by the Citation, up to twice the amount of the balance due on the judgment, plus judgment interest and court costs.
2. Contact the attorneys for the Plaintiffs to discuss the Citation.
3. Produce for examination the following documents (unless production is excused by Plaintiff's attorney):
 - a. All records of savings and checking accounts, Certificates of Deposit, Safe Deposit Boxes, Land Trusts, Inter Vivos Trusts, Loans, Mortgages, Trust Deeds, Annuities, negotiable and non-negotiable instruments in which the Judgment Debtor has an interest, or had an interest in the last three years.
 - b. All applications for accounts or loans filled out by Judgment Debtor, any financial statements filled out by Judgment Debtor, and all books, papers or records in your possession or control which may contain information concerning the property or income of, or indebtedness due Judgment Debtor.
 - c. If any savings account, checking account, or certificate of deposit has been closed in the last three years, a copy of both sides of the check or other document closing such account should be produced.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LOCAL 705 INTERNATIONAL)
BROTHERHOOD OF TEAMSTERS)
HEALTH AND WELFARE FUND, *et al.*,)

Plaintiffs,)

vs.)

JOYCE BROS. STORAGE & VAN CO.,)
an Illinois corporation,)

Defendant,)

and)

BANK FINANCIAL FSB,)

Citation Respondent.)

CIVIL ACTION

NO. 12 C 8841

JUDGE HARRY D. LEINENWEBER

CITATION NOTICE TO JUDGMENT DEBTOR

Judgment Debtor's last known:

Judgment Creditor's Attorney/Judgment
Creditor:

Name: Joyce Bros. Storage & Van Co.
Address: 1915 Janice Avenue
Melrose Park, IL 60160

Patrick N. Ryan/Baum Sigman Auerbach
200 W. Adams Street, Suite 2200
Chicago, IL 60606-5231

Phone: 312-236-4316 x. 233

Judgment in the amount of: \$250,213.18, plus post-judgment interest

Name of Person or entity receiving Citation: Bank Financial FSB

Citation Appearance required by: Monday, September 23, 2013 at 10:00 a.m.

NOTICE: The court has issued a citation against the person named above. The citation directs that person to appear at the offices of Plaintiffs' counsel to be examined for the purpose of allowing the judgment creditor to discover income and assets belonging to the judgment debtor or in which the judgment debtor has an interest. The citation was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above. On or after the court date stated above, the court may compel the application of any discovered income or assets toward payment on the judgment.

The amount of income or assets that may be applied toward the judgment is limited by federal and Illinois law. **THE JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED ABOVE:**

(1) Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed \$4,000 in value, in any personal property as chosen by the debtor; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; workers' compensation benefits; veterans' benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed \$2,400 in value, in any one motor vehicle, and the debtor's equity interest, not to exceed \$1,500 in value, in any implements, professional books, or tools of the trade of the debtor.

(2) Under Illinois law, every person is entitled to an estate in homestead, when it is owned and occupied as a residence, to the extent in value of \$15,000, which homestead is exempt from judgment.

(3) Under Illinois law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage or, under a wage deduction summons served on or after January 1, 2006, the Illinois minimum hourly wage, whichever is great.

(4) Under federal law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 25% of disposable earnings for a week or (ii) the amount by which disposable earnings for a week exceed 30 times the federal minimum hourly wage.

(5) Pension and retirement benefits and refunds may be claimed as exempt under Illinois law.

The judgment debtor may have other possible exemptions from garnishment under the law.

THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The judgment debtor also has the right to seek a declaration at an earlier date, by notifying the clerk in writing at 219 South Dearborn Street, 20th Floor, Chicago, IL 60604. When so notified, the Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor regarding the time and location of the hearing. This notice may be sent by regular first class mail.